

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. HARRISON THOMAS CALDWELL, Defendant.	5:24-CR-50036-KES-02 REPORT AND RECOMMENDATION
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This matter came before the court for a change of plea hearing on August 21, 2024. The Defendant, Harrison Thomas Caldwell, appeared in person and by his counsel, Conor Duffy, while the United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States magistrate judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, the parties waived their right to object to the report and recommendation.

Defendant has reached a plea agreement wherein he intends to plead guilty to Count 4 of the Second Superseding Indictment which charges him with Assault with a Dangerous Weapon, in violation of 18 U.S.C. §§ 113(a)(3), 2, and 1153. At the hearing, the defendant was advised of the nature of the

charges to which the defendant would plead guilty and the maximum penalties applicable, specifically: ten (10) years in prison; a \$250,000 fine; or both; three (3) years supervised release; two (2) additional years' imprisonment if supervised release is revoked; a \$100 special assessment; and restitution.

Upon acceptance of the plea and sentencing by the court, the United States agrees to dismiss the remaining counts in the second superseding indictment as they pertain to the defendant pursuant to the terms of the plea agreement.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to Count 4 of the Second Superseding Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. The defendant's guilty plea to Count 4 of the Second Superseding Indictment is accepted. It is my report and recommendation that the defendant be adjudged guilty of that offense.

DATED this 21st day of August, 2024.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Daneta Wollmann', is written over a horizontal line.

DANETA WOLLMANN
United States Magistrate Judge